

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

v.

NIPUKTUK JOSEPH,
Defendant.

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Cr. No. 20-10219

MEMORANDUM AND ORDER

WOLF, D.J.

August 14, 2024

On April 19, 2021, defendant Nipuktuk Joseph pled guilty to one count of conspiracy to distribute and possess with intent to distribute 40 grams or more of fentanyl (21 U.S.C. §846) and five counts of distribution of and possession with intent to distribute fentanyl (21 U.S.C. §841(a)(1)). Dkt. No. 80. The court allowed Joseph to enroll in the RISE program and released him pending sentencing. See Dkt. No. 92.

The court terminated Joseph's participation in the RISE program on May 9, 2022, after Joseph was arrested by the FBI and charged with conspiracy to distribute fentanyl and distribution of fentanyl. Dkt. No. 137. On November 10, 2022, the court sentenced Joseph to a below-Guidelines term of 68 months incarceration followed by 5 years of supervised release. See Dkt. No. 159.


On August 7, 2024, the court received a pro se letter from Joseph. Dkt. No. 169. In the letter, Joseph states that he believes he is "eligible for relief" under the 2023 Guidelines amendments because he "was given a two point enhancement for being on supervision at the time of [his] arrest." Id. The court has liberally construed Joseph's letter as a request for a sentence reduction. See Erickson v. Pardus, 551 U.S. 89, 94 (2007). However, Joseph is mistaken about the asserted basis for his request. Neither Probation nor the court assigned Joseph additional offense level or criminal history points because he was arrested while on supervision. See Presentence Investigation Report ¶¶20-40.

Joseph may be referring to Probation's recommendation that the court decline to grant him an offense level reduction for acceptance of responsibility because he was arrested for distributing fentanyl while released pending sentencing. See id. ¶29; PSR Addendum (Undocketed). However, the court rejected this recommendation and after hearing from Joseph at his November 4, 2022 sentencing hearing, decreased his total offense level by three points for acceptance of responsibility. See Nov. 4, 2022 Sentencing Hr'g Tr. at 16-18, 22-23 (undocketed).¹ As a result, there is no evidence that Joseph received additional offense level

¹ The court has referred to the draft transcript of the sentencing hearing. A final transcript of this hearing has not been prepared.

or criminal history points because he was arrested while released pending sentencing.

In view of the foregoing, the court finds that Joseph is not eligible for any relief under the 2023 Guidelines amendments. Therefore, to the extent that Joseph is asking the court to reduce his sentence, his request is hereby DENIED.


UNITED STATES DISTRICT JUDGE